

JUN. 26. 2002 9:31AM

MBS&S 919 854-1401

#10/Response  
NO. 9490 P. 4  
Hawkins  
7/3/02

**RESPONSE UNDER 37 C.F.R. 1.116 - EXPEDITED  
PROCEDURE - EXAMINING GROUP 2834**

Attorney's Docket No. 9134-32CT

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Dhuler

Group Art Unit: 2834

Serial No.: 09/891,700

Examiner: D. Le

Filed: June 26, 2001

Confirmation No.: 2751

For: MICROELECTROMECHANICAL DEVICE HAVING SINGLE  
CRYSTALLINE COMPONENTS AND METALLIC COMPONENTS

June 26, 2002

Box AF

Commissioner for Patents

Washington, DC 20231

**RESPONSE AFTER FINAL**

Sir:

This communication is responsive to the Advisory Action mailed June 11, 2002.

Applicant is further submitting concurrently herewith and attached hereto a copy of an assignment filed in connection with United States Patent No. 6,137,206 to Hill ("the '206 patent"). This assignment is the initial transfer from the inventor of the '206 patent to MCNC.

Applicant mistakenly believed that this information was available to the Examiner and failed to note the initial assignment in the '206 patent in the Response filed June 4, 2002. Thus, as is clear from the documents submitted herewith and with the Response filed June 4, 2002, both the invention claimed in the present application and that claimed in the '206 patent were commonly owned by MCNC at the time the inventions were made and now rest in IDS Uniphase ("JDSU"). Accordingly, the '206 patent cannot be applied as a 102(e)/103 reference against the present application. See M.P.E.P. ¶706.02(1)(2). Therefore, the present rejections should be withdrawn.

**Conclusion**

For the reasons discussed above, Applicant respectfully submits that the present case is in form for allowance. Accordingly, Applicant requests allowance of the pending claims and passing of this application to issuance.

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Respectfully submitted,

*Robert W. Glatz*  
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2834

Customer Number:



20792

PATENT TRADEMARK OFFICE

## CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being sent by facsimile transmission to the United States Patent and Trademark Office, Group Art Unit 2834 at (703) 872-9319 on June 26, 2002.

*Corey Gregory*

Corey Gregory

Date of Signature: June 26, 2002  
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